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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,314	07/30/2001	Kota Yoshikawa	010935	8261
23850	7590	08/25/2005	EXAMINER	
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			GARRETT, DAWN L	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,314

Applicant(s)

YOSHIKAWA, KOTA

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,7,8 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,7,8 and 20 is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 10, 2005 has been entered.
2. The amendment submitted May 20, 2005 has been entered. Claims 1, 3-6, 9-10, and 12 are cancelled. Claims 2, 7, 8, 11, and 13-20 are present in the application.
3. The rejection of claims 7 and 8 under 35 USC 103(a) as being unpatentable over Kita et al. (US 6,656,608) is withdrawn due to the amendment expressly requiring a metal layer and a separate surface/layer that is oxidized metal.
4. The examiner has determined that claims 7 and 8 contain allowable subject matter following the most recently submitted amendment to claim 7. The prior art fails to provide for separate layers comprising an unoxidized metal as claimed together with an oxidized metal layer in an organic EL element as claimed. Currently, claims 2, 7, 8 and 20 are allowed. As the next considered species, the examiner selects Group I, Species C (see the Office action mailed December 10, 2002) as the next species of consideration. Claim 11 is under consideration. Claims 13-19 are withdrawn as non-elected.

Claim Objections

5. Claim 11 is objected to because of the following informalities:

It is suggested that “from” be inserted between “different” and “each” for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 102/103

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 11 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wilderman et al. (EP 745658 A1). The reference discloses light-emitting copolymers comprising interruption units and varying conjugation lengths that influence the wavelength of light emitted from the polymer (see abstract). These copolymers may be used in a light-emitting device comprised of two electrodes and a substrate in addition to the copolymer layer (see claim 16, page 16). The novel copolymers are shown to have different emission wavelengths depending upon the side chain of the polymer (see Table 3, page 10). The copolymers are deemed to anticipate claim 11 requiring “an EL layer...in which a conjugate

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length of polymer is different [from] each other so that these areas have two different luminous colors or more". The copolymers are deemed to have different side chains that emit light at differing wavelengths and the conjugate lengths are taught to be varying lengths (see entire patent). In the alternative that the copolymers of Table 3, page 10 do not anticipate the polymer of claim 11, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed a copolymer comprising varying conjugate lengths and emitting different wavelengths of light due to differing side chains and have used it in a light emitting device as the light emitting layer, because Wilderman et al. teaches all components and methods of forming such a copolymer.

9. Claim 11 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chao et al. (US 6,037,190). Chao et al. discloses organic electro-luminescent devices comprising a blue light emitting layer. The blue-light emitting layer is irradiated in portions and different color emitting pixels are formed on the irradiated portions (see abstract and col.3, l. 61 to col. 4, line 2). The compounds shown by Chao et al. have conjugated portions and repeating units (see figures 10 and 11). The light emitting layer irradiated in portions is deemed to anticipate claim 11 requiring "an EL layer...in which a conjugate length of polymer is different [from] each other so that these areas have two different luminous colors or more". In the alternative that the light emitting materials do not anticipate the polymer of claim 11, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed such a light emitting layer comprising differing conjugate lengths and different color emitting portions, because Chao et al. generally teaches such a light emitting layer.

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Response to Arguments

10. Applicant's arguments with respect to claims 7 and 8 have been considered but are moot in view of indication of allowability of claims 7 and 8.


Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571)272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dawn Garrett
Primary Examiner
Art Unit 1774

D.G.
August 20, 2005